

PATENT
ATTORNEY DOCKET NO.: JHU1180-1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): David Sidransky
Application No.: 09/420,433
Filed: October 12, 1999
Title: NUCLEIC ACID MUTATION DETECTION IN HISTOLOGIC

Art Unit: 1634
Examiner: D. Johannsen

#22
CD
11/26/02

Commissioner for Patents
Washington, D.C. 20231

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TERMINAL DISCLAIMER

Sir:

The undersigned, attorney of record for Petitioner, THE JOHNS HOPKINS UNIVERSITY SCHOOL OF MEDICINE, with its place of business at 111 Market Place, Suite 906, Baltimore, Maryland 21202 represents that Petitioner is the Assignee of 100 percent interest in Application Serial No. 09/420,433, filed October 12, 1999, entitled, NUCLEIC ACID MUTATION DETECTION IN HISTOLOGIC, as evidenced by the Assignment recorded on April 1, 1994 in the United States Patent and Trademark Office at Reel 6953, Frame 0643.

The evidentiary documents referred to herein have been reviewed by the undersigned and it is certified that to the best of the undersigned's knowledge and belief, title is in the Assignee.

| CERTIFICATION UNDER 37 CFR §1.8 | |
|---|--|
| I hereby certify that the documents referred to as enclosed herein are being deposited with the United States Postal Service as first class mail on this date, November 12, 2002, in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231. | |
| Carrie E. Bickle (Name of Person Mailing Paper) | |
| Carrie E. Bickle (Signature) | |
| November 12, 2002 (Date) | |

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Pursuant to 37 C.F.R. § 1.321(c), the undersigned, on behalf of Petitioner, THE JOHNS HOPKINS UNIVERSITY SCHOOL OF MEDICINE, disclaims the terminal part of any patent granted on the above-identified Application No. 09/420,433 that would extend beyond the expiration date of U.S. Patent No. 6,025,127. Petitioner hereby agrees that any patent so granted on the above-identified U.S. Patent Application No. 09/420,433 shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to U.S. Patent No. 6,025,127, this Agreement to run with any patent granted on the above-identified application and to be binding upon the grantee, its successor or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

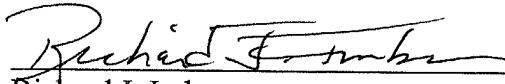
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Applicant encloses herewith a check in the amount of \$110.00 for the Terminal Disclaimer fee. The Commissioner is hereby authorized to charge these fees and other fees that may be associated with this communication, or to credit any overpayment to Deposit Account No. 50-1355. A duplicate copy of the Transmittal Sheet is enclosed.

Respectfully submitted,

Dated: November 12, 2002


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